

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-29 are pending.

In the outstanding Office Action the election requirement of the March 16, 2004 action was determined to be final; the drawings were objected to; Claims 4-6, 13-15 and 22-23 were rejected under 35 U.S.C. §112, first paragraph; Claims 4-6, 13-15 and 22-23 were rejected under 35 U.S.C. §112, second paragraph; Claims 1-2, 7-10, 16-20 and 24-26 were rejected as being anticipated by Hashimoto et al. (U.S. Patent 6,370,096, hereinafter Hashimoto); and Claims 6, 15 and 23 were indicated as containing allowable subject matter.

Applicant appreciatively acknowledges the identification of allowable subject matter.

The undersigned appreciatively acknowledges the courtesy extended by Examiner Patel in granting an interview to the undersigned on August 17, 2004. During the interview, the claims were discussed in contrast with the primary reference of Hashimoto, and it was agreed that particular language in the specification and claims would be amended to clarify the pseudo-erase function.

Consistent with the request to provide new drawings, Applicants file herewith two new drawings, namely Figures 12 and 13, which identify the features of the specific elements contained in paragraph 5 of the outstanding Office Action. The claims as originally filed provide adequate support for the features contained in Figures 12 and 13, and therefore no new matter is added. Likewise, the specification has been amended to refer to Figures 12 and 13. As mentioned before, no new matter is added because this subject matter was at least adequately supported by the claims as originally filed.

As discussed during the interview, the specification has been amended consistent with Figure 9, to address the rejection under 35 USC §112, first paragraph. As discussed during

the interview, a feature of the present invention, is that it performs pseudo-erasing, not on the data itself, but on the “contents information like the address”. The language in the specification has been amended to be consistent with the step S19 as shown in Figure 9, as was discussed in the interview. It is believed that this amendment overcomes the rejection under 35 USC §112, first paragraph. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned so that mutually agreeable claim language may be identified.

Applicant traverses the rejection of Claims 4-6, 13-15 and 22-23 under 35 U.S.C. §112, second paragraph. The basis of this rejection is that it is unclear how the data can be erased again that has already been erased previously. The undersigned believes that it is this lack of understanding of the “pseudo-erased” feature of the present invention that has given rise to the present rejections. Accordingly, it is respectfully requested that this rejection be withdrawn, in view of the explanation of the difference between erasing and pseudo-erasing as will be discussed below.

With regard to the §112, second paragraph rejection of Claims 6, 15 and 23, the outstanding Office Action objects to a lack of antecedent basis of the “means discriminates that the new data up to the end position of the packet is not to be updated”. However, the last two claim elements of Claim 6 described alternative operations for the data discriminating means. In the middle paragraph of Claim 6, the data recording means performs a first operation when the data discriminating means discriminates that the new data up to the end position of the packet is to be updated. In the last paragraph of Claim 6, the data recording means performs a second operation when the data discriminating means discriminates that the new data up to the end position of the packet is not to be updated. Accordingly, it is respectfully submitted that Claims 6, 15 and 23 all comply with 35 U.S.C. §112, second

paragraph.

Before turning to the prior art rejections, a brief recapitulation of the present invention, in light of Claim 1 is believed to be appropriate. Claim 1 is directed to a data recording apparatus that includes data recording means for recording data on a packet basis onto a track of an optical recording medium. Also included is a data pseudo-erasing means for erasing contents information of the track containing the data, thereby pseudo-erasing the data.

Pseudo-erasing of data is not an actual erasing of the data in the track itself. Rather, and as the claim indicates, the pseudo-erasing actually erases contents information of the track that contains the data. Therefore, when a pseudo-erasing operation is performed, the data is not erased, but rather the contents information of the track that contains the data is erased. An advantage with this approach is that a recording operation could be performed quickly because the data itself does not be erased, and by accurately detecting the new data recordable portion within a short period of time enables the proper recording of new data onto the track where this data has been "pseudo-erased".

Returning to the rejection of Claim 4 under 35 U.S.C. §112, second paragraph, this rejection is based on it being unclear how data can be erased again that has already been erased previously. In view of the above discussion, it should now be clear that the data itself has not been erased, but rather the contents information of the track that contains the data is the information that is erased. Accordingly, it is quite possible that a data erase means can erase the actual data, where this actual data has only been the subject of pseudo-erasure.

Hashimoto is directed to an optical-disc system that performs CD-RW operations. The outstanding Office Action asserts that Hashimoto discloses a data pseudo-erasing means for erasing contents information of the track containing the data, thereby erasing the data

(citing column 4, lines 15-67). Applicant respectfully disagrees. This portion of Hashimoto merely explains that the device in Hashimoto is able to perform both reading and writing operations. There is no discussion of pseudo-erasing of contents information of the track that contains the data. In contrast, Hashimoto discussed at column 4, lines 63-67, a “so-called blank function” for erasing data over the entire optical disc surface. This type of operation is distinguished in the present patent application, last full paragraph of page 3, which discusses blank function erasing and “minimally blank function” erasing. The present invention is directed to the latter (minimally blank function) erasing, because it is the data that is pseudo-erased, not an erasure over the entire optical disc surface. Accordingly, it is respectfully submitted that Hashimoto does not teach or suggest the data pseudo-erasing means as claimed in Claim 1 and therefore does not anticipate Claim 1. For substantially the same reasons, it is respectfully submitted that Claims 2, 7-10, 16-20 and 24-26 also patentably define over Hashimoto.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-29 is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.


Respectfully submitted,

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